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Request for the inclusion of two additional items in the agenda of the sixty-third session

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General

1. By his letters to the Presidents of the General Assembly and the Security Council dated 19 June 2009, the Secretary-General requested that a letter dated 27 May 2009 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia, and a letter dated 29 May 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda, be circulated as documents of both the General Assembly and the Security Council.

2. By his letter of 27 May 2009, the President of the International Tribunal for the Former Yugoslavia requested that the General Assembly and the Security Council:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

(b) Extend the term of office of the judges of the International Tribunal;

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(c) Authorize the International Tribunal temporarily to exceed the statutory maximum number of ad litem judges serving at the Tribunal.

3. By his letter of 29 May 2009, the President of the International Criminal Tribunal for Rwanda requested that the General Assembly and the Security Council:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

(b) Extend the term of office of judges of the International Criminal Tribunal;

(c) Allow one judge to engage in another professional occupation in his home country and to work part-time while drafting his final judgement.

4. In addition, the President of the International Criminal Tribunal for Rwanda raised the issue of the entitlements of ad litem judges, although no specific action has been requested by the President in that regard.

5. By his letters to the Presidents of the General Assembly and the Security Council dated 26 June 2009, the Secretary-General requested that a second letter, dated 15 June 2009, from the President of the International Criminal Tribunal for Rwanda be circulated as a document of both the General Assembly and the Security Council.

6. By his letter dated 15 June 2009, the President of the International Criminal Tribunal for Rwanda requested: (a) that one judge of the International Criminal Tribunal be allowed to engage in another professional occupation in his home country and to work part-time at the Tribunal while drafting his final judgement; and (b) that the International Criminal Tribunal be allowed to recruit an additional ad litem judge from the former permanent judges of the International Tribunal for the Former Yugoslavia or ad litem judges who have not yet been assigned to any case. The letter sets out the justification for the requests.

7. By his letters to the Presidents of the General Assembly and the Security Council dated 7 July 2009, the Secretary-General requested that a third letter, dated 1 July 2009, from the President of the International Criminal Tribunal for Rwanda be considered by both the General Assembly and the Security Council.

8. By his letter dated 1 July 2009, the President of the International Criminal Tribunal for Rwanda stated that the Russian Federation intended to replace Judge Sergei Alekseevich Egorov (Russian Federation) when he resigns from the International Criminal Tribunal for Rwanda. The President requested that, though he is to be replaced, Judge Egorov should be permitted to continue to serve at the International Criminal Tribunal until the completion of the cases to which he was assigned. The International Criminal Tribunal would therefore have two permanent judges from the Russian Federation serving at the same time. The President therefore requested that there be derogation from the statutory prohibition against two judges of the same nationality serving at the International Criminal Tribunal at the same time.

9. The approval of the Security Council, as the parent organ of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and of the General Assembly, as the organ that elects the judges of both

Tribunals, would be needed in order to allow for the course of action proposed by the Presidents of both Tribunals as set out in their letters to the Secretary-General mentioned above.

10. In order for the General Assembly to consider the above-mentioned matters, the Secretary-General has the honour, pursuant to rule 15 of the rules of procedure of the General Assembly, to request the inclusion, in the agenda of the sixty-third session, of two additional items of an important and urgent character, entitled:

(a) "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991";

(b) "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

This will enable the above-mentioned letters to be circulated as documents of the General Assembly.

11. The Secretary-General requests that both items be considered directly in plenary meeting.